

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent

Appn of: Ming Liang SHIAO, et al.

Appn. No.: 10/749,680

Filing Date: December 31, 2003

Title: **MINERAL-SURFACED ROOFING SHINGLES
WITH INCREASED SOLAR HEAT REFLECTANCE,
AND PROCESS FOR PRODUCING SAME**

Confirmation No.: 2163

Examiner: Chi Q. Nguyen

GAU: 3635

Att'y. Dkt. No.: 142-03

Commissioner for Patents

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RESPONSE TO RESTRICTION REQUIREMENT

Sir:

This paper is being submitted on May 3, 2007 in response to the Examiner's Action sent electronically on April 3, 2007 and setting a 31 day shortened statutory period for response.

Claims 1-66 are subject to restriction.

The Examiner has required restriction under 35 USC 121 to one of the following two inventions:

Group I: Claims 1-4, 9-13, 18-22, 27-31, 36-40, 45-66, drawn to a method for making an infrared-reflective roofing product, classified in class 427.

Group II: Claims 5-8, 14-17, 23-26, 32-35, and 41-44, drawn to an apparatus of an infrared-reflective roofing product, classified in class 52.

The Examiner states that the inventions are related as process for making and product made. The Examiner notes that the inventions are "distinct" if either of the following criteria are met:

(1) That the process as claimed can be used to make other and materially different products; or

(2) That the product as claimed can be made another and materially different process.

In this case, the Examiner states that the apparatus claims could be made by a method different from that Group I because that manufacture a roofing product from an aluminum material because an aluminum material is capable of producing a reflection.

In response, applicants elect the invention of Group II of the claims, with traverse of the restriction requirement, and respectfully request reconsideration.

To the extent it is understood, the Examiner is arguing that the products of Group I could be made by a process different from the process of Group II. The Examiner notes that "an aluminum material" could be used to give a product within the scope of the Group II claims because the aluminum material is capable of producing a reflection. However, the aluminum materials would appear to be encompassed by the broad claims of the Group I process claims. For example, claim 1 calls for "at least one powder of an infrared-reflective material." There is no exclusion of infrared-reflective aluminum powder. The same is true for any infrared-reflective material the Examiner may happen to identify as an example. Consequently, the claims of Group I and Group II are not distinct, and the restriction requirement should be withdrawn.

Respectfully submitted,

May 3, 2007

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